

MEMORANDUM

DATE: September 25, 2007

TO: Mr. David Walton, Hearing Officer
Division of Public Health

FROM: Daniese McMullin-Powell, Chairperson
State Council for Persons with Disabilities

RE: 11 DE Reg. 278 [Cancer Treatment Program Regulations]

The State Council for Persons with Disabilities (SCPD) has reviewed the Department of Health and Social Services/Division of Public Health's (DPH) proposal to amend its *State of Delaware Regulations Governing the Cancer Treatment Program* published as 11 DE Reg. 278 in the September 1, 2007 issue of the Register of Regulations. The program began in 2004 and the SCPD submitted comments on the overall regulations in May and December of 2004. The proposed amendments have the following effects.

First, treatment coverage is extended from 12 months to 24 months after initiation of cancer treatment.

Second, although recurrence of a previously treated cancer in remission does not "trigger" a new 24-month eligibility period, treatment for a different cancer would be covered. The determination that a new primary cancer has appeared is made by the treating physician.

SCPD believes the revisions are generally understandable and favorable (e.g. extending eligibility to 24 months and deferring to judgment of treating physician). SCPD has only one (1) suggestion. Section 11.9 refers to "(e)nrollees receiving treatment for cancer as defined in 4.1.1". The attached §4.1.1 does not really define cancer treatment. The Division may wish to simply substitute "through the CTP" for "as defined in 4.1.1". In the same line, the comma after "2007" could also be deleted.

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our observations or recommendation on the proposed regulation.

cc: Governor's Advisory Council for Exceptional Citizens
Developmental Disabilities Council

